

ORIGINAL



0000084105

MEMORANDUM  
RECEIVED

668m

TO: Docket Control Center

2008 APR 11 P 4: 09

FROM: Ernest G. Johnson  
Director  
*E.G.* Utilities Division

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
**DOCKETED**

APR 11 2008

DATE: April 11, 2008

DOCKETED BY	NR
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RE: ARIZONA WATER COMPANY AND FRANCISCO GRANDE UTILITY  
COMPANY - REQUEST FOR EXTENSION OF COMPLIANCE DEADLINES  
(DOCKET NOS. W-01445A-05-0700 AND W-01775A-05-0700)

In Decision No. 68654, dated April 12, 2006, the Arizona Corporation Commission ("A.C.C." or "Commission") approved the application of Arizona Water Company ("Arizona Water" or "Company") and Francisco Grande Utility Company ("Francisco Grande") for transfer of a portion of Francisco Grande's Certificate of Convenience and Necessity ("CC&N") to Arizona Water. In issuing its decision, the Commission ordered the Company to provide filings relating to an Approval to Construct ("ATC"), Main Extension Agreements ("MXA") and Certificate of Assured Water ("CAWS").

Specifically, Decision No. 68442 ordered that Arizona Water should file:

- a) "copies of the Arizona Department of Environmental Quality's Approval to Construct for facilities needed to serve the requested transfer areas within two years of the effective date of the Decision in this Order."
- b) "a Notice of filing indicating Arizona Water Company has submitted for Staff's review and approval, a copy of the fully executed main extension agreements for water facilities for the requested transfer areas within two years of the effective date of the Decision in this Order."
- c) "a copy of the developers' Certificate of Assured Water Supply for the requested transfer areas where applicable or when required by statute, within two years of the effective date of the Decision in this Order.."

Based on the April 12, 2006 date of Decision No. 68654, the original Commission due date on the above items was April 12, 2008.

On March 10, 2008, the Company filed a motion with the Commission titled "Request for Additional Time for Compliance". The filing seeks to extend the current April 12, 2008 deadline by two years, or until April 12, 2010, for the provision of the ATC, the Notice on the MXA and the CAWS. The application included letters from the property owners in the expansion area stating their continued need for service. On March 11, 2008, the Company docketed an additional letter from a property owner reaffirming their desire to receive water service from Arizona Water.

On April 4, 2008, Staff contacted Mr. Robert Geake, Vice President and General Counsel, to discuss the extension requests. Mr. Geake stated that the items ordered by Decision No. 68654 are under the control of the developer rather than the Company and the market is not ideal. He further stated that the property owners included mention of their plans in letters attached to the application. Indeed, with the exception of one, every property owner letter provided in this case states that planned development will be 24 months at the outside, or shorter, if market conditions improve. Outside of this, the Company did not provide any compelling information supporting the length of the two year request.

Based on the application and all of the above, Staff does not object to the Company's request for an extension of time to comply with the ATC, MXA and CAWS requirements outlined in Decision No. 68654. Staff further recommends that no further time extensions be granted in this matter.

EGJ:BKB:lm

Originator: Brian K. Bozzo

Attachment

SERVICE LIST FOR: ARIZONA WATER COMPANY  
FRANCISCO GRANDE UTILITY COMPANY  
DOCKET NOS. W-01445A-05-0700 AND W-01775A-05-0700

Mr. Robert W. Geake  
Arizona Water Company  
Post Office Box 29006  
Phoenix, Arizona 85038-9006

Mr. Ronald H. Burks  
Francisco Grande Utility Company  
2151 East Main Street, Suite A  
Sarasota, Florida 34237

Mr. Ernest G. Johnson  
Director, Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Mr. Christopher C. Kempley  
Chief Counsel, Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Ms. Lyn Farmer  
Chief Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON - Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH MILLER  
KRISTIN K. MAYES  
GARY PIERCE

IN THE MATTER OF THE JOINT  
APPLICATION OF: (1) FRANCISCO GRANDE  
UTILITY COMPANY, AN ARIZONA  
CORPORATION, TO TRANSFER A PORTION  
OF ITS EXISTING CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
ARIZONA WATER COMPANY, AN  
ARIZONA CORPORATION; (2) ARIZONA  
WATER COMPANY, AN ARIZONA  
CORPORATION, TO INCLUDE  
CERTIFICATED AREA TO BE  
TRANSFERRED BY FRANCISCO GRANDE  
UTILITY COMPANY IN ARIZONA WATER  
COMPANY'S CASA GRANDE CERTIFICATE  
OF CONVENIENCE AND NECESSITY

DOCKET NO. W-01445A-05-0700  
DOCKET NO. W-01775A-05-0700

REQUEST FOR ADDITIONAL TIME FOR  
COMPLIANCE FILING

Arizona Corporation Commission

DOCKETED

MAR 10 2008

FILED BY [initials] NR

On April 12, 2006, the Commission entered Decision No. 68654 in the above-captioned docket. Decision No. 68654 (the "Decision") approved the Company's application for an extension of its certificate of convenience and necessity for its Casa Grande system. It also contained the following ordering paragraphs, at page 8, lines 1-16 of the Decision:

IT IS FURTHER ORDERED that Arizona Water Company shall file with Docket Control, as a compliance item in this docket, copies of the Arizona Department of Environmental Quality's Approval to Construct for facilities needed to serve the requested transfer areas within two years of the effective date of the Decision in this Order.

1 IT IS FURTHER ORDERED that Arizona Water Company shall file with  
2 Docket Control, as a compliance item in this docket, a Notice of filing indicating  
3 Arizona Water Company has submitted for Staff's review and approval, a copy  
4 of the fully executed main extension agreements for water facilities for the  
5 requested transfer areas within two years of the effective date of the Decision in  
6 this Order.

7  
8 IT IS FURTHER ORDERED that that Arizona Water Company shall file  
9 with Docket Control, as a compliance item in this docket, a copy of the  
10 developers' Certificate of Assured Water Supply for the requested transfer areas  
11 where applicable or when required by statute, within two years of the effective  
12 date of the Decision in this Order.

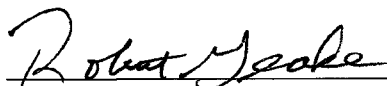
13  
14 The Company is requesting that the current compliance deadline, April 12, 2008, be  
15 extended for an additional two (2) year period, until April 12, 2010. In support of its request, the  
16 Company respectfully provides as follows:

- 17  
18 a. A map of the extension area is attached hereto as Attachment 1.  
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20 b. The Company is submitting as Attachments 2, 3, 4, and 5 hereto letters from the  
21 current property owners of the majority of the owners of the real property in the  
22 extension area. The Pinal County Assessor's Parcel Number(s) owned by each  
23 owner is/are noted in each letter. As further noted in each letter, each owner still  
24 plans to develop its/their property and still needs and desires to receive water  
25 service from the Company.  
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1 In view of the foregoing, the Company respectfully requests that it be given an extension  
2 of time until April 12, 2010 to file the required compliance items.

3  
4 RESPECTFULLY SUBMITTED this 10th day of March 2008.

5 ARIZONA WATER COMPANY

6  
7 By:   
8 Robert W. Geake  
9 Vice President and General Counsel  
10 ARIZONA WATER COMPANY  
11 Post Office Box 29006  
12 Phoenix, Arizona 85038-9006  
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1 Original and thirteen (13) copies of the foregoing filed:  
2 this 10<sup>th</sup> day of March 2008 with:

3 Docket Control Division  
4 Arizona Corporation Commission  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007

7 A copy of the foregoing was mailed this 10<sup>th</sup> day of March 2008 to:

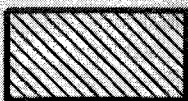
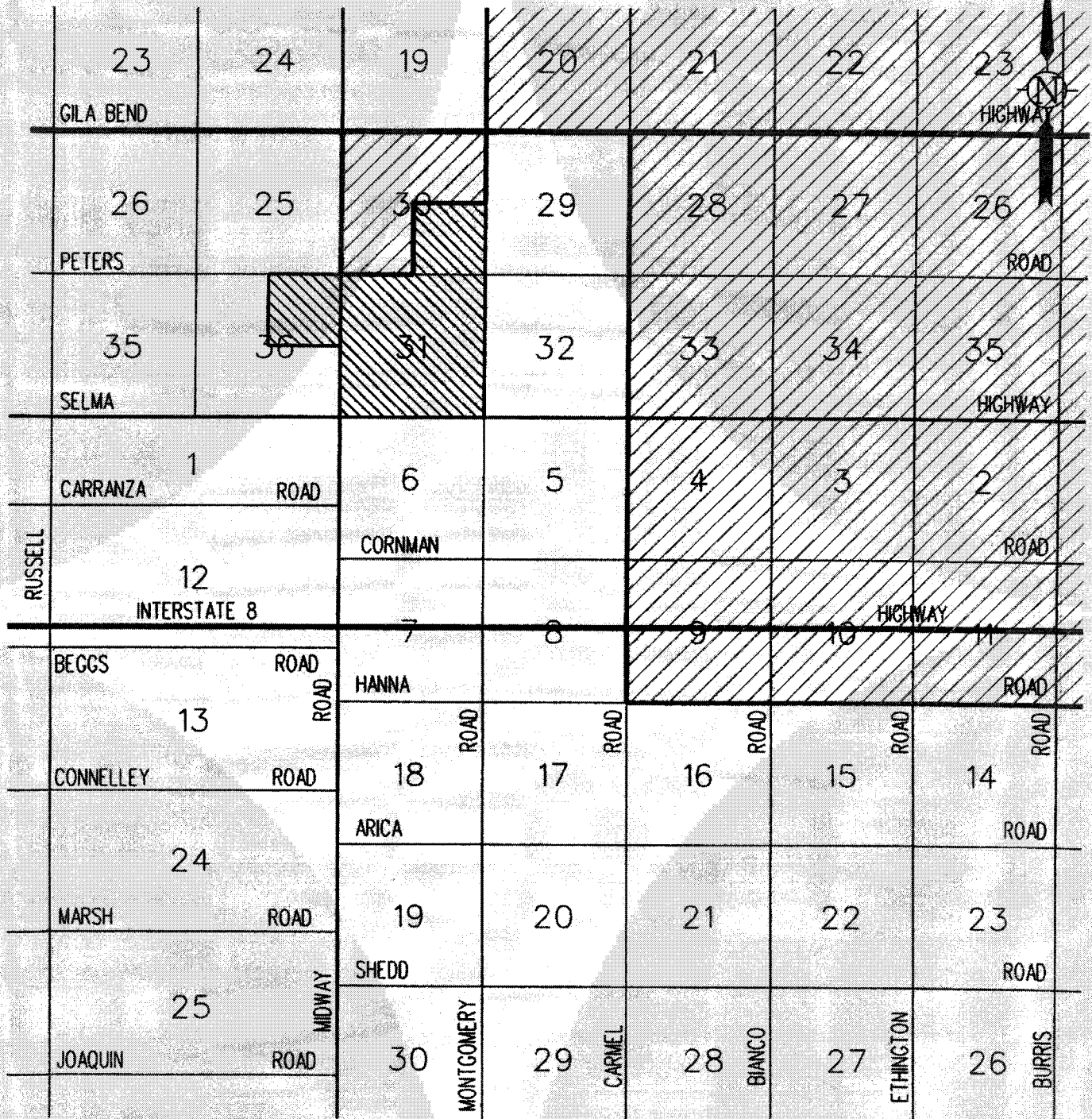
8 Ronald H. Burks  
9 FRANCISCO GRANDE UTILITY COMPANY  
10 2125 East Main Street, Suite A  
11 Sarasota, FL 34237

12 Christopher Kempley, Chief Counsel  
13 Legal Division  
14 Arizona Corporation Commission  
15 1200 West Washington Street  
16 Phoenix, Arizona 85007

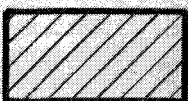
17 Ernest G. Johnson  
18 Director, Utilities Division  
19 Arizona Corporation Commission  
20 1200 West Washington Street  
21 Phoenix, Arizona 85007

22 By: Robert Neoke  
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# ATTACHMENT 1



CC&N THIS APPLICATION



A PORTION OF ARIZONA WATER COMPANY CC&N

## ARIZONA WATER COMPANY

### DESCRIPTION:

Application for CC&N to include portions of Section 36, 30, 31, Township 6 South, Range 4 & 5 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

### LOCATION:

CASA GRANDE

### DATE:

06.09.2005

### SCALE:

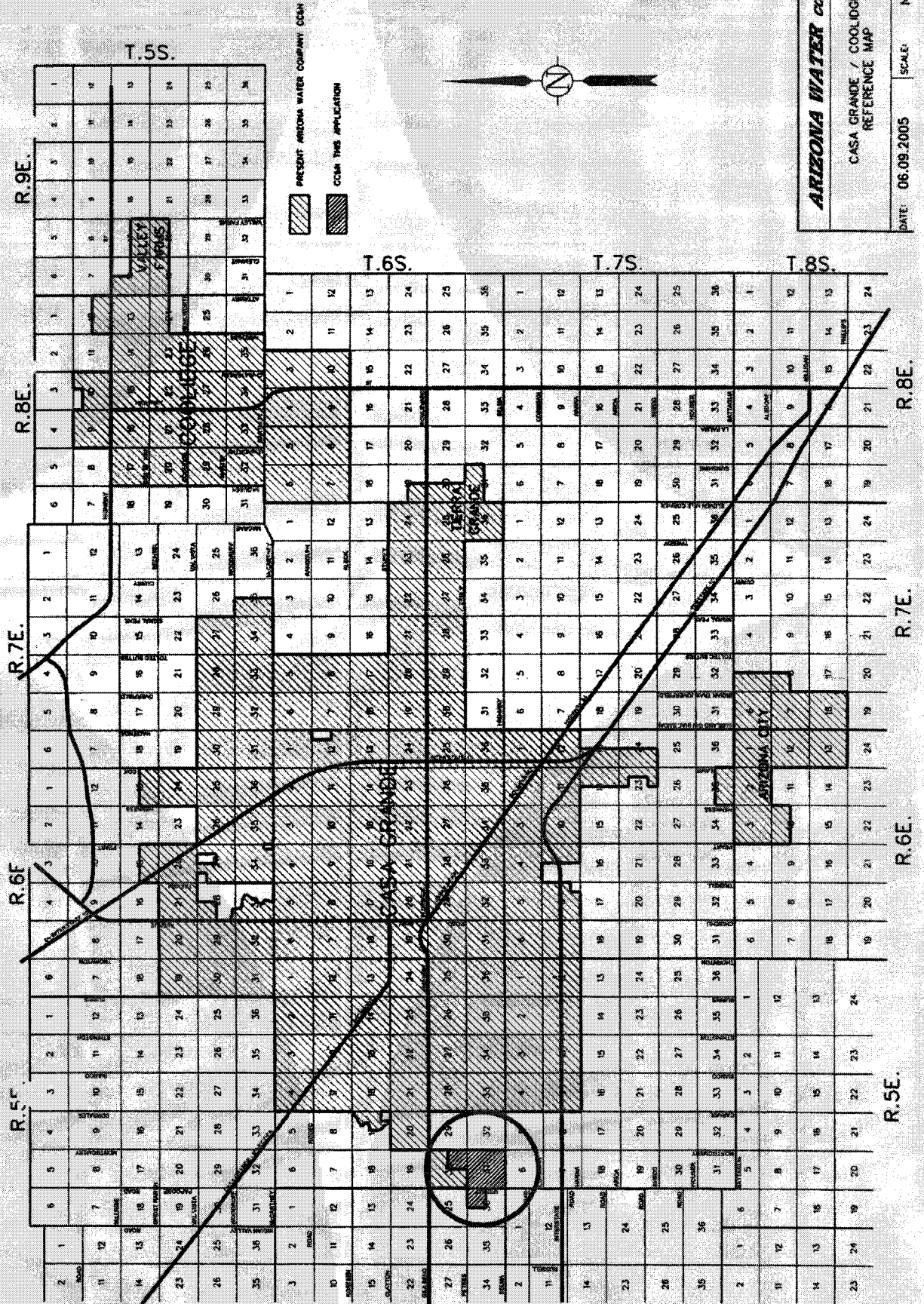
1" = 1 Mile

### DRAWN BY:

CB



# ATTACHMENT 1



ATTACHMENT 2

***Peters & Midway 150, LLC***

6875 West Galveston, Suite 200  
Chandler, Arizona 85226

February 13, 2008

Arizona Water Company  
Attn: Robert W. Geake  
3805 N. Black Canyon Highway  
Phoenix, AZ 85015

Dear Mr. Geake:

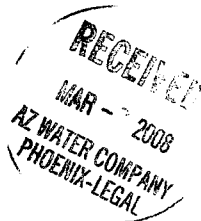
Peters & Midway 150, LLC is following up with you regarding Pinal County Assessor's Parcel Nos. 503-01-058, 059, 060, 061 which Peters & Midway 150, LLC owns. Peters & Midway still needs and desires to receive water service from Arizona Water Company to serve these parcels. Our current plans include development within twenty-four months. If market conditions improve, however, we hope to shorten this timeframe. If you have any questions, please feel free to contact us.

Sincerely,

***PETERS & MIDWAY 150, LLC***

BY: \_\_\_\_\_

ITS: \_\_\_\_\_



ATTACHMENT 3

Jesus A. and Abbie G. Ochoa  
2560 South Midway Road  
Casa Grande, Arizona 85222

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February 13, 2008

Arizona Water Company  
Attn: Robert W. Geake  
3805 N. Black Canyon Highway  
Phoenix, AZ 85015

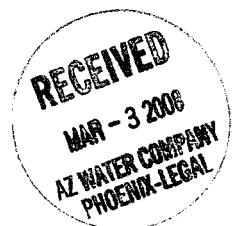
Dear Mr. Geake:

We are following up with you regarding Pinal County Assessor's Parcel Nos. 503-01-050F and 050G, which we own. We still need and desire to receive water service from Arizona Water Company to serve these parcels. Our current plans include development within twenty-four months. If market conditions improve, however, we hope to shorten this timeframe. If you have any questions, please feel free to contact us.

Sincerely,

  
Jesus A. and Abbie G. Ochoa

ITS: \_\_\_\_\_



**ATTACHMENT 4**

**John J. Macak and Gina Macak  
2300 S. Midway Road  
Casa Grande, Arizona 85222**

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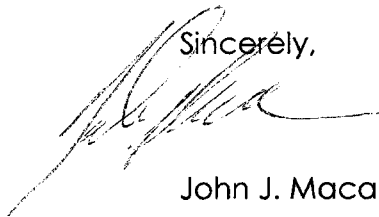
February 15, 2008

Arizona Water Company  
Attn: Robert W. Geake  
3805 N. Black Canyon Highway  
Phoenix, AZ 85015

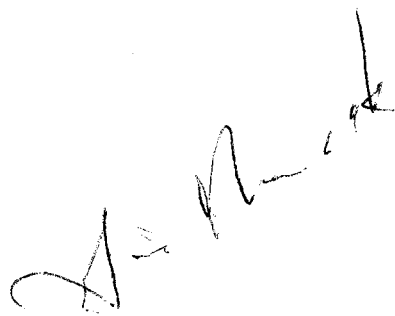
Dear Mr. Geake:

We are following up with you regarding Pinal County Assessor's Parcel Nos. 503-01-050A and 50d, which we own. We still need and desire to receive water service from Arizona Water Company to serve these parcels. Our current plans include development within twenty-four months. If market conditions improve, however, we hope to shorten this timeframe. If you have any questions, please feel free to contact us.

Sincerely,



John J. Macak & Gina Macak



ATTACHMENT 5

Langley Holdings, LLC  
2738 E. Guadalupe Road  
Guadalupe, Arizona 85234

---

February 13, 2008

Arizona Water Company  
Attn: Robert W. Geake  
3805 N. Black Canyon Highway  
Phoenix, AZ 85015

Dear Mr. Geake:

BCY Limited Partnership, LLC is following up with you regarding Pinal County Assessor's Parcel Nos. 503-26-024C, 025C and 503-53-006 which BCY Limited Partnership owns. BCY still needs and desires to receive water service from Arizona Water Company to serve these parcels. Our current plans include development within twenty-four months. If market conditions improve, however, we hope to shorten this timeframe. If you have any questions, please feel free to contact us.

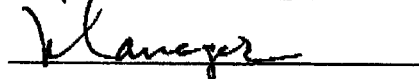
Sincerely,

**BCY Limited Partnership**

BY:

  
Langley Holdings, LLC

ITS:



ORIGINAL

0000082541

BEFORE THE ARIZONA CORPORATION COMMISSION  
RECEIVED

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COMMISSIONERS

2008 MAR 11 P 1:00

MIKE GLEASON - Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH MILLER  
KRISTIN K. MAYES  
GARY PIERCE

AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE JOINT  
APPLICATION OF: (1) FRANCISCO GRANDE  
UTILITY COMPANY, AN ARIZONA  
CORPORATION, TO TRANSFER A PORTION  
OF ITS EXISTING CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
ARIZONA WATER COMPANY, AN  
ARIZONA CORPORATION; (2) ARIZONA  
WATER COMPANY, AN ARIZONA  
CORPORATION, TO INCLUDE  
CERTIFICATED AREA TO BE  
TRANSFERRED BY FRANCISCO GRANDE  
UTILITY COMPANY IN ARIZONA WATER  
COMPANY'S CASA GRANDE CERTIFICATE  
OF CONVENIENCE AND NECESSITY

DOCKET NO. W-01445A-05-0700  
DOCKET NO. W-01775A-05-0700

ADDENDUM TO REQUEST FOR  
ADDITIONAL TIME FOR COMPLIANCE  
FILING

Arizona Corporation Commission  
**DOCKETED**

MAR 11 2008

DOCKETED BY

nr

On March 10, 2008 Arizona Water Company (the "Company") filed, in the above-captioned docket, a request for additional time to satisfy certain compliance deadlines provided in Decision No. 68654. In support of its request, the Company included copies of letters from the owners of the majority of the properties located in the expansion area approved in Decision No. 68654.

The Company has since received an additional letter from another owner of property located in the expansion area that reaffirms the owner's desire to obtain water service from the Company. A copy of the letter is attached hereto as Attachment 1.

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RESPECTFULLY SUBMITTED this 11th day of March 2008.

ARIZONA WATER COMPANY

By: Robert W. Geake  
Robert W. Geake  
Vice President and General Counsel  
ARIZONA WATER COMPANY  
Post Office Box 29006  
Phoenix, Arizona 85038-9006

1 Original and thirteen (13) copies of the foregoing filed:  
2 this 11<sup>th</sup> day of March 2008 with:

3 Docket Control Division  
4 Arizona Corporation Commission  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007

7 A copy of the foregoing was mailed this 11<sup>th</sup> day of March 2008 to:

8 Ronald H. Burks  
9 FRANCISCO GRANDE UTILITY COMPANY  
10 2125 East Main Street, Suite A  
11 Sarasota, FL 34237

12 Christopher Kempley, Chief Counsel  
13 Legal Division  
14 Arizona Corporation Commission  
15 1200 West Washington Street  
16 Phoenix, Arizona 85007

17 Ernest G. Johnson  
18 Director, Utilities Division  
19 Arizona Corporation Commission  
20 1200 West Washington Street  
21 Phoenix, Arizona 85007

22 By: Robert W. Drake  
23  
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ATTACHMENT 1

*MARIA I. SOTO*  
Victor M. and ~~Ria L.~~ Soto  
1268 South Remington Circle  
Chandler, Arizona 85249

---

March 7, 2008

Arizona Water Company  
Attn: Robert W. Geake  
3805 N. Black Canyon Highway  
Phoenix, AZ 85015

Dear Mr. Geake:

Esta letra está mirando el paquete No. 503-01-050E del asesor del condado de Pinal, que poseemos. Todavía necesitamos y deseamos recibir servicio del agua de Arizona Water Company para servir este paquete. Si usted tiene cualesquiera preguntas, por favor siéntase libre de ponerse en contacto con nosotros.

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Translation – Traducción:

This letter is regarding Pinal County Assessor's Parcel No. 503-01-050E, which we own. We still need and desire to receive water service from Arizona Water Company to serve this parcel. If you have any questions, please feel free to contact us.

Sinceramente,

  
Victor M. Soto

3/07/08

*Maria I. Soto* 3/07/08

~~Ria L. Soto~~

*MARIA I. SOTO*

